

House Bill 1021

By: Representatives Oliver of the 83rd, Ashe of the 56th, Kidd of the 115th, Gardner of the 57th, and Benfield of the 85th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for treatment of children who are victims of commercial sexual exploitation; to provide for definitions; to change a definition; to change provisions relating to when a child may be taken into custody; to change provisions relating to when detention of a child is permitted; to change certain provisions relating to an allegation of deprivation; to change certain provisions relating to disposition of a deprived child; to amend Code Section 16-6-9 of the Official Code of Georgia Annotated, relating to prostitution, so as to add a minimum age for committing the offense of prostitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking paragraph (8) of Code Section 15-11-2, relating to definitions, and inserting in lieu thereof a new paragraph (8) and by adding a new paragraph (2.5) to read as follows:

"(2.5) 'Commercial sexual exploitation' means the employment, use, persuasion, inducement, enticement, or coercion to engage in or assist any other person in the engagement of any sexually explicit conduct for money or other items of value."

"(8) 'Deprived child' means a child who:

(A) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health or morals;

(B) Has been placed for care or adoption in violation of law;

(C) Has been abandoned by his or her parents or other legal custodian; ~~or~~

(D) Is without a parent, guardian, or custodian; or

(E) Is a victim of commercial sexual exploitation.

SECTION 3.

Said chapter is further amended by striking Code Section 15-11-46, relating to when detention of a child is permitted, and inserting in lieu thereof the following:

"15-11-46.

A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless:

(1) The child's detention or care is required to protect the person or property of others or of the child;

(2) The child may abscond or be removed from the jurisdiction of the court;

(3) The child has no parent, guardian, or custodian or other person able to provide supervision and care for him or her and return him or her to the court when required; ~~or~~

(4) An order for the child's detention or shelter care has been made by the court pursuant to this article; or

(5) The child is a victim of commercial sexual exploitation."

SECTION 4.

Said chapter is further amended by striking subsection (f) of Code Section 15-11-48, relating to place of detention of a child, and inserting in lieu thereof the following:

"(f) *Allegation of deprivation.*

(1) Except as provided in paragraph (2) of this subsection, a ~~A~~ child alleged to be deprived may be placed in shelter care only in the facilities stated in paragraphs (1) and (2) of subsection (a) of this Code section or in a shelter care facility operated by the court.

(2) A child alleged to be deprived pursuant to subparagraph (E) of paragraph (8) of Code Section 15-11-2 shall remain in placement until a final order of disposition has been entered by the court in response to a petition alleging deprivation, in accordance with Code Section 15-11-55.

(3) The actual physical placement of a child pursuant to this subsection shall require the approval of the judge of the juvenile court or his or her designee."

SECTION 5.

Said chapter is further amended by adding a new subsection (a.1) to Code Section 15-11-55, relating to disposition of a deprived child, to read as follows:

"(a.1) If the child is found to be deprived pursuant to subparagraph (E) of paragraph (8) of Code Section 15-11-2, the court may transfer temporary legal custody to a public or private agency or other private organization if licensed or otherwise entitled by law to receive and provide care for the child. If the court orders transfer of temporary legal

1 custody to an agency or organization, such agency or organization shall place the child
2 within a facility capable of providing services as defined by Code Section 15-11-57."

3 **SECTION 6.**

4 Code Section 16-6-9 of the Official Code of Georgia Annotated, relating to prostitution, is
5 amended by striking such Code section and inserting in lieu thereof the following:

6 "16-6-9.

7 A person who is 17 years of age or older commits the offense of prostitution when he or
8 she performs or offers or consents to perform a sexual act, including but not limited to
9 sexual intercourse or sodomy, for money or other items of value."

10 **SECTION 7.**

11 All laws and parts of laws in conflict with this Act are repealed.